

REMARKS

The amendments set out above and the following remarks are believed responsive to the points raised by the Office Action dated July 26, 2004. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

Claim 3 has been canceled, and claims 1, 2, 4, 5, and 7-15 remain pending.

Applicants are pleased to note the Office Action indicates claims 3, 4, and 12 are indicated to be allowable if rewritten in independent form including the limitations of the respective base claims and any intervening claims. Claim 3 has been rewritten in independent form as amended claim 1. Therefore, that claim should be allowed.

Claims 1, 5, and 8 have been amended to describe the invention more clearly and correct minor informalities. Claim 4 has been amended to change the dependency from cancelled claim 3 to amended claim 1. No new matter has been added, the basis for the amended claim language may be found within the original specification, claims and drawings. Entry of these amendments is respectfully requested.

Claims 5 and 8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Office Action, in claim 5 it is unclear what part of the implant has a maximum radius and which direction the distance is measured in “the outer thread extends a distance in the range . . .”. Claim 5 has been amended to refer to a “maximum radius of the root part at the ridge line” and the “outer thread ends at a distance in the y-direction of from 1 mm to 4 mm from the ridge line. According to the Office Action, in claims 5 and 8 it is unclear what is meant by “the distance is proportional to the length of the root part” and “the length of the thread teeth is inversely proportional to the length of the root part”, respectively. These phrases have been deleted from the claims. The distance in claim 5 is adequately defined in the claim as in the range from 1 mm to 4 mm and the relationship between the length of the thread teeth and length of the root part in claim 8 is already defined in the table of that claim.

Thus, it is respectfully submitted that with these amendments to the claims, the rejection under 35 U.S.C. §112 has now been overcome and should be withdrawn.

Claims 1, 2, and 10 were rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,984,681 to Huang. Claims 1 and 10 were rejected under 35 U.S.C. §102 as anticipated by DE 4041378 to Moisiadis. Claims 2, 11, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moisiadis. Claims 5, 9, and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Huang in view of U.S. Patent No. 5,642,996 to Mochida

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et al. Claims 7-9, 13, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moisiadis in view of Mochida et al.

Each of these rejections is respectfully traversed. However, in order to expedite matters and to allow the application to pass to issuance quickly, claim 1 has been amended to include the limitations of objected to claim 3 and claim 3 has been cancelled. Accordingly, claim 1 and all of the remaining claims, being dependent on amended claim 1, should now be in condition for allowance.

In view of the amendment and remarks recited herein, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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